THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.16183 of 2006

Date: 03-08-2006

Between :-

Murala Gopi .. Petitioner

And

The state of A.P., rep by its
Election Commissioner, Hyd
and others .. Respondents

THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.16183 of 2006

ORDER:-

Heard both the counsel.

The writ petition is filed for a writ of mandamus to declare the inaction on the part of the respondents 1 to 4 in not taking any action even inspite of representation/complaint made by the petitioner on 24.7.2006 and the representation made by the petitioner's villagers intimating that her signature had been forged as if the petitioner had withdrawn from her candidature for the post of Sarpanch of Koppali Gram Panchayat, Pedana Mandal, Krishna district and consequently declaring the 5th respondent as if she is elected unanimously for the post of Sarpanch of the above Gram Panchayat as illegal, arbitrary and contrary to the violative of Article 14 of the Constitution of India and consequently direct the respondents 1 to 4 to conduct election for the post of Sarpanch of Kopali Gram Panchayat, Pedana Madnal, Krishna District as per the schedule on 6.8.2006 and to pass such other suitable orders.

The main ground of attack is that very withdrawal form is a forged one. This is predominantly a question of fact, the same may have to be enquired into. It is stated that the first respondent issued election notification proposing to conduct elections on 9.7.2006 to the respective Gram Panchayat. It is also stated that the petitioner submitted his nomination to the post of Sarpanchy of Koppali village and the petitioner had obtained receipt to that effect by depositing

requisite amount on 16.7.2006. It is also further stated that with the connivance of the political leaders, who are against him, his signature had been forged submitted his withdrawal as if he had withdrawn his candidature for the post of Sarpanch and consequently respondent No.5 was declared elected as Sarpanch of Koppali Garm panchayat. It is also stated that on 24.7.2006 complaint was made to Sub Inspector of Police, Pedna narrating the facts asking to take appropriate action by conducting thorough enquiry. It is also stated that the public at large of the petitioner's village also gave representation to the second respondent narrating all facts. Several other factual details had been narrated.

The truth or otherwise of these allegations cannot be gone into at this stage by the writ court. It is needless to say that the petitioner is having a remedy by way of election petition.

Accordingly, the writ petition is disposed of. No order as to costs.

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03.8.2006

Note:
Issue c.c. in three days.
B/o.
Mdaa.